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15 INC. and Third-Party Defendants GLOBAL PHARMACEUTICAL SUPPLY
GROUP, LLC, CENTOCOR BIOLOGICS, LLC and JOM PHARMACEUTICAL
SERVICES, INC.

Lodged Pro se
APR 30 2010

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FILED

16 IN THE UNITED STATES DISTRICT COURT

17 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

18 CENTOCOR ORTHO BIOTECH,
19 INC.,

20 Plaintiff,

21 v.
22 GENENTECH, INC. and CITY OF
HOPE,

23 Defendants.

24 AND RELATED COUNTER AND
25 THIRD-PARTY ACTIONS.

26 } Case No. CV 08-03573 MRP (JEMx)

27 } PLAINTIFF'S APPLICATION TO
FILE DOCUMENTS UNDER SEAL
IN SUPPORT OF PLAINTIFF'S EX
PARTE APPLICATION TO
COMPEL DISCLOSURE OF
INAPPROPRIATELY WITHHELD
INFORMATION

28 Date: TBA

Time: TBA

Place: Hon. Mariana Pfaezler,
Courtroom 12

Pursuant to Local Rule 79-5.1, Plaintiff Centocor Ortho Biotech, Inc. ("Centocor") seek leave to file the following exhibits to Plaintiff's Ex Parte Application to Compel Disclosure of Inappropriately Withheld Information under seal:

1. Exhibit A: Portions of the Deposition Transcript of Shmuel Cabilly,
2. Ph.D. dated April 9, 2010; and
3. Exhibit K: Rebuttal Expert Report of Mark X. Sliwkowski, Ph.D. in the
4. case of Chiron Corp. v. Genentech, Inc., dated January 28, 2002.

The exhibits sought to be filed under seal relate to license and other agreements between Genentech, Centocor and third parties and contain or reflect confidential business information that is subject to confidentiality provisions. Specifically, Exhibit A contains confidential details regarding Genentech's pharmaceutical research and development. Exhibit K has been designated as confidential Highly Confidential. Exhibit A contains references to confidential documents related to the patent at issue. Exhibit A has been designated as Confidential pursuant to the terms of the Protective Order.

Also, balancing the potential harm to Centocor, Genentech and third parties if the sensitive business information is released into the public with the relatively low public harm for nondisclosure of this information favors prohibiting disclosure.

For the foregoing reasons, Centocor respectfully requests that the Court grant this Application and order the aforementioned documents be filed under seal.

Dated: April 30, 2010

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ LLP

By: _____



Keith D. Fraser

Attorneys for Plaintiff CENTOCOR ORTHO BIOTECH, INC. and Third-Party Defendants GLOBAL PHARMACEUTICAL SUPPLY GROUP, LLC, CENTOCOR BIOLOGICS, LLC and JOM PHARMACEUTICAL SERVICES, INC. LLC and JOM PHARMACEUTICAL SERVICES, INC.

1 | CERTIFICATE OF SERVICE

2 | I, Dori Dellisanti, the undersigned, certify and declare that I am over the age of
 3 | 18 years, employed in the County of Los Angeles, State of California, and not a party
 4 | to the above-entitled cause. My business address is Connolly Bove Lodge & Hutz
 5 | LLP, 333 South Grand Avenue, Suite 2300, Los Angeles, California 90071.

6 | On April 30, 2010, I served the foregoing documents described as:
 7 | **PLAINTIFF'S APPLICATION TO FILE DOCUMENTS UNDER SEAL IN
 8 | SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION TO COMPEL
 9 | DISCLOSURE OF INAPPROPRIATELY WITHHELD INFORMATION** on
 10 | the following person(s) in this action by placing a true copy thereof enclosed in
 11 | sealed envelope addressed as follows:

12 David I Gindler Joseph M Lipner Irell and Manella 1800 Avenue of the Stars Suite 900 Los Angeles, CA 90067-4276	13 Attorneys for Defendant and Counterclaimant City of Hope Medical Center Tel: 310-277-1010 Fax: 310-203-7199 Email: jlipner@irell.com ; dgindler@irell.com Coh.centocor.team@irell.com
14 Mark A. Pals Marcus E Sernel Matthew Shiels Kirkland and Ellis LLP 300 North LaSalle Street Chicago, IL 60654	15 Attorneys for Defendant and Counterclaimant Genentech, Inc. Tel: 312-861-2000 Fax: 312-861-2200 Email: mpals@kirkland.com msernel@kirkland.com mshiels@kirkland.com
16 Daralyn J. Durie Ryan Kent Durie Tangri Lemley Roberts & Kent LLP 332 Pine Street, Suite 200 San Francisco, CA 94104	17 Attorneys for Defendant and Counterclaimant Genentech, Inc. Tel: 415-362-6666 Email: ddurie@durietangri.com rkent@durietangri.com

18 | **BY MAIL**: I am readily familiar with the firm's practice regarding collection
 19 | and processing of correspondence for mailing. Under that practice it would be
 20 | deposited with U.S. Postal Service on that same day with postage thereon fully
 21 | prepaid at Los Angeles, California in the ordinary course of business. I am aware
 22 | that on motion of the party served, service is presumed invalid if the postal
 23 | cancellation date or postage meter date is more than one day after date of deposit
 24 | for mailing in affidavit.

25 | **BY PERSONAL SERVICE**: I caused such envelope to be delivered by hand to
 26 | the addressee(s) as stated above.

27 | **FEDERAL EXPRESS**: I am readily familiar with the office practice of
 28 | Connolly Bove Lodge & Hutz LLP for collecting and processing correspondence
 29 | for overnight delivery by Federal Express. Such practice is that when
 30 | correspondence for overnight delivery by Federal Express is deposited with the
 31 | Connolly Bove Lodge & Hutz LLP personnel responsible for delivering
 32 | correspondence to Federal Express, such correspondence is delivered to a Federal

1 Express location or to an authorized courier or driver authorized by Federal
2 Express to receive documents or deposited at a facility regularly maintained by
3 Federal Express for receipt of documents on the same day in the ordinary course
of business.

4 [] **BY E-MAIL:** (1) I caused copies of the above documents to be emailed to the
5 interested parties based on the email addresses indicated herein, and/or (2) based
6 on General Order 08-02, the attached document(s) was sent to the person(s) at
7 the e-mail addres(es) indicated above through the Court's Electronic Filing
System (ECF).

8 [X] **FEDERAL** I declare that I am employed in the office of a member of the bar of
9 this court at whose direction the service was made.

10 I hereby declare under penalty of perjury that the foregoing is true and correct.
11 Executed on April 30, 2010 at Los Angeles, California.

12 Dori Dellisanti

13 Name

14 

15 Signature